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Col. A - [unclear] removed

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BUREAU OF
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Hanoi and Saigon are withholding their applications for UN membership until they can determine whether the US will veto them. Meanwhile, the US has suggested that membership for the Vietnams be linked to admission of both Koreas, and Seoul is pressing Washington to demand that solution.

Hanoi Changes Its Mind. Until recently, the position of Hanoi, which first applied for UN membership in 1946, had been that national reunification must be completed before entry into the UN. In late May, however, representatives of both North and South Vietnam in Paris appealed to Secretary-General Waldheim to take soundings on the possibility of full UN membership for the DRV (Democratic Republic of Vietnam) and the PRGSV (Provisional Revolutionary Government of South Vietnam). (The DRV and the PRG are already members of the WHO and the WMO.)

Vietnams for Koreas. Shortly thereafter, on May 27, Soviet Charge Vorontsov informed Department officials that he had been instructed to determine the US position toward separate UN membership for both North and South Vietnam at the 30th UN General Assembly. He further told Department officials on June 3 that both the DRV and the PRG had consulted Moscow about membership on that basis.

US officials suggested that the admission of both Vietnams might be linked to the granting of membership to North and South Korea. Vorontsov pointed to Pyongyang's strong opposition to membership for both Koreas and argued against any linkage of the two questions.

In 1957, the USSR at first advocated simultaneous admission of both Vietnams and both Koreas, but it shifted its position after North Vietnam

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contended in a letter to the Secretary-General that admission of South Vietnam would be contrary to the 1954 Geneva agreements. Thereafter, the USSR took the position that Vietnam should not be admitted until after unification, but continued to propose the simultaneous admission of the two Koreas. The last UN consideration of these two admission questions was in 1958, when the USSR again vetoed membership for South Korea and South Vietnam.

On June 19, however, a Soviet Foreign Ministry official strongly implied to a British Embassy official in Moscow that a trade-off might be discussed whereby the USSR would support the admission of both Koreas, if the US would not veto both Vietnams.

Soviet interests would not be affected adversely by the membership of both Koreas in the UN. Moscow would have no objection in principle, provided that the problem of North Korean objections could be resolved. However, the Soviets, like the Chinese, would abide by North Korea's decision, which remains one of adamant opposition.

North Vietnamese Approaches. The North Vietnamese have approached a number of countries besides the Soviet Union in their efforts to determine whether the US will veto their applications.

--The Japanese have told US officials that the DRV representative to the Women's Conference in Mexico City had asked about the possibility of a US veto.

--The Australians reported a similar inquiry.

The Italian Embassy in Hanoi disclosed that a North Vietnamese Foreign Ministry official had said that Hanoi and Saigon have withheld presentation of their requests for admission until they can ascertain whether the US might use the veto.

US Position. To date, the US has never vetoed a membership application. This practice has been consistent with the 1948 Vandenberg resolution calling for voluntary agreement among the five permanent Security Council members not to veto the admission of new UN members.

By publicly and formally tying its agreement to the Vietnamese applications to the admission of both Koreas, or at least to South Korea, the US would run the risk of being charged with violating an International Court of

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Justice advisory opinion of May 28, 1948. That opinion holds that a UN member is not juridically entitled

--to make its consent to admission of an applicant dependent on conditions not expressly set forth in the UN Charter; and

--in particular, to subject its affirmative vote to the additional condition that other states be admitted to UN membership at the same time.

To avoid such a violation, the US is conveying to South Korea and others its preference for a package deal in far less specific terms. Similar package deals have been made before. For example, in 1955, long negotiations outside the Security Council finally produced Soviet-US agreement on the admission of Austria, Cambodia, Ceylon, Ireland, Finland, Italy, Jordan, Laos, Libya, Nepal, Portugal, and Spain in return for that of Albania, Hungary, Romania, and Bulgaria. In 1961, lengthy negotiations led to Soviet-US agreement on the admission of Mongolia in return for that of Mauritania.

Seoul's Insistence on Linkage. The South Korean Government immediately saw the connection between Vietnamese membership and its own situation. In 1973, Seoul reversed its policy and began to advocate membership in the UN and other international organizations for both North and South Korea. North Korea adamantly opposes this policy and insists that Korea must be united, or at least confederated, before UN entry can take place.

When informed of the US reply to the Soviets, the South Korean Foreign Minister reacted very strongly to the absence of any US commitment to link membership for the two Vietnams with that for the two Koreas. He strongly urged a package deal as the "last opportunity" for his country to become a UN member.

The South Koreans have already begun their own campaign to gain support for linking the two issues. The ROK Ambassador in Paris has told US officials that on instructions he made a demarche to French Vice Foreign Minister De Courcel, who stated that France

--supported admission for both North and South Korea; but

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--could not oppose UN entry for South and North Vietnam as a precondition because of the "special relationship" which France has with both Vietnams.

Prospects. According to the UN Charter, membership in the UN "will be effected by a decision of the General Assembly upon the recommendation of the Security Council." The Charter also states that on such substantive issues nine affirmative votes are necessary, including those of the five permanent members. In practice, however, there is a gentleman's agreement that a permanent member can abstain. The US record of never having vetoed a membership application has been accomplished by liberal resort to abstention.

On the question of membership for the two Vietnams, affirmative votes are likely from the USSR, France, and the PRC. The British told us on July 1 that they could not oppose the Vietnamese applications for juridical reasons. Thus, a US veto will be necessary to prevent the admission of Hanoi and Saigon.

Prepared by John Donovan
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